

FILED

MAY 15 2006

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

CRIMINAL NO. 05-170 (RJL)

V.

**CLIFTON RAY GORHAM,
Defendant.**

ORDER

WHEREAS the D.C. Department of Mental Health, Forensic Services Administration, has rendered an opinion, based upon examination, that because defendant Clifton Ray Gorham did not participate in the Court ordered evaluation and therefore the licensed clinical psychologist was unable to form an opinion concerning the defendant's competency to stand trial or to assess the extent that he is able to understand the nature and consequences of the proceedings filed against him or assist properly in his own defense, and it was not possible to determine if the defendant's behavior was the result of volitional characterological traits, mental illness, substance abuse, or some combination of these factors, it is recommended that the defendant be transferred to a FCI Center designated by the U.S. Marshals, where he can be evaluated on a 24-hour basis by psychiatric staff and receive a full psychiatric evaluation; and

WHEREAS, based upon the D.C. Department of Mental Health, Forensic Services Administration report regarding the defendant and upon the Court's own observations, the Court finds by a preponderance of the evidence that the defendant be transferred to a FCI Center designated by the U.S. Marshals, where he can be evaluated on a 24-hour basis by psychiatric staff and receive a full psychiatric evaluation to determine if the defendant is mentally competent to stand trial or to assess the extent that he is able to understand the nature and consequences of the proceedings filed

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against him or assist properly in his own defense; it is hereby

ORDERED, pursuant to Title 18, United States Code, Section 4241(d)(1), the defendant be transferred to a FCI Center designated by the U.S. Marshals, where he can be evaluated on a 24-hour basis by psychiatric staff and receive a full psychiatric evaluation for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit trial in this matter to proceed.

It is FURTHER ORDERED that the responsible officials at a FCI Center designated by the U.S. Marshals, shall furnish to the Court and counsel for the parties, on or before September 1, 2006, a report containing an assessment of the defendant's condition relating to his competency, and a description of the steps taken and planned in the effort to restore the defendant to competency, if needed.

It is FURTHER ORDERED that counsel for the parties appear for a status hearing on

18th day of Sept., 2006, at 11:00 a.m./pm.

SO ORDERED, this 10th day of May 2006.



RICHARD J. LEON
UNITED STATES DISTRICT JUDGE